

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

United States of America,  
Plaintiff,

v.

Alfredo Macias,  
Defendant.

**CR-24-00258-001-PHX-SMB**

**ORDER OF FORFEITURE**

As a result of defendant's guilty plea to Count 2 of the Indictment, Possession or Transfer of a Machinegun in violation of in violation of 18 U.S.C. §§ 922(o) and 924(a)(2), a Class C felony offense, the defendant agreed to forfeit all right, title and interest in the following Subject Property:

F.N. (FN Herstal) .57 caliber Pistol, SN:386414288.

The Court has determined that the Subject Property is subject to forfeiture pursuant to 18 U.S.C. §§ 924(d), 981, 982, 21 U.S.C. § 853 and 28 U.S.C. § 2461(c). The government has established the requisite nexus between the Subject Property and the offense to which the defendant pled guilty. The Court finds that the defendant has forfeited all right, title and interest defendant may have in the Subject Property.

Upon the entry of this Order, the United States is authorized to seize the Subject Property and to conduct any discovery to identify, locate or dispose property that is subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3). Upon entry of this Order, the United States is authorized to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order.

1 Any person asserting a legal interest in the Subject Property must, within thirty  
2 days of the final publication of notice or receipt of notice, whichever is earlier, petition  
3 the court for a hearing without a jury to adjudicate the validity of any alleged interest in  
4 the property, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. §  
5 853(n).

6 Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Order of Forfeiture shall become  
7 final as to the defendant at the defendant's sentencing and shall be included in the  
8 sentence and judgment. If no third party files a timely claim, this Order shall become the  
9 Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

10 Any petition filed by a third party asserting an interest in the Subject Property  
11 shall be signed by the petitioner under penalty of perjury and shall set forth the nature  
12 and extent of the petitioner's right, title, or interest in the Subject Property, the time and  
13 circumstances of the petitioner's acquisition of the right, title or interest in the Subject  
14 Property, and any additional facts supporting the petitioner's claim and the relief sought,  
15 and the petitioner shall serve a copy upon **Joseph F. Bozdech**, Assistant United States  
16 Attorney.

17 After the disposition of any motion filed pursuant to Fed. R. Crim. P.  
18 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in  
19 accordance with the Federal Rules of Civil Procedure upon a showing that such  
20 discovery is necessary or desirable to resolve factual issues.

21 The United States shall have clear title to the Subject Property following the  
22 Court's disposition of all third-party interests, or, if none, following the expiration of the  
23 period provided in 21 U.S.C. § 853(n)(2), for the filing of third party petitions.

24 The Court shall retain jurisdiction to enforce this Order, and to amend it as  
25 necessary, pursuant to Fed. R. Crim. P. 32.2(e).